



Express Mail Number: **EV301026311US**

Docket No. **B-5422 621841-5**

Date: **April 13, 2004**

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EV301026311US

Sir:

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): (1)Tsung-Hsing CHEN

17497 U.S. PTO
10/824570



NOTE: Patent must be applied for in the name of all
of the actual inventor or inventors.

For: METHOD AND SYSTEM FOR NETWORK DEVICE UPGRADE"

Enclosed are:

1. **The Papers Required For Filing Date Under 37 CFR 1.53(b):**

8 Pages of specification 1 Page of abstract 5 Pages of claims

5 Sheets of drawings [X] formal [] informal
(Figs. 1-5)

[X] In addition to the above papers there is also attached

[] Pages of a Preliminary Amendment dated

- [X] Postcard
- [X] Check for filing fee in the amount of \$770.00
- [X] Declaration (6 pages)
- [X] Power of Attorney by Assignee of Entire Interest (2 pages)
- [] Verified Statement Claiming Small Entity Status--
Independent Inventor (1 page)
- [X] Claim to Priority (1 page) with
- [] Certified Copy of Taiwanese Application No.
- [] Information Disclosure Statement (pages) and
Form PTO-1449 (modified) (pages) with
copies of documents cited in Form PTO-1449 (modified)
- [X] Assignment Cover Sheet (1 page), Assignment document (1 page),
and Check for \$40.00

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this paper and the documents referred to as enclosed
therein are being deposited with the United States Postal Service in an Express
Mail envelope with sufficient postage for Express Mailing on this date April 13,
2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label
Number EV301026311US addressed to the:

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Katherine Nieva
(Typed or printed name of person mailing paper)

Katherine Nieva
(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein
has the number of the "Express Mail" mailing label
placed thereon prior to mailing. 37 CFR 1.10(b).

2. Declaration or oath

☒ Enclosed

☒ original

☐ facsimile

executed by:

☒ inventor(s)

☐ legal representative of inventor(s) 37 CFR 1.42 or 1.43

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached. 37 CFR 1.47.

☐ petition and statement required by 37 CFR 1.47 also attached. See item 7 below for fee.

☐ Not Enclosed

☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all of the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.

☐ Showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d)).

NOTE: Where the filing is a completion in the U.S. of an international application under 35 U.S.C. 371(c)(4) then the declaration must be filed.

3. Assignment

☒ An assignment of the invention to BENQ CORPORATION.
(with separate cover sheet and separate check for \$40.00)

4. Certified Copies

☒ A Certified copy of Taiwanese Application No. 92108521
from which priority is claimed.

NOTE: Must be referred to in oath or declaration. 37 CFR 1.55 and 163.

5. Fee Calculation

CLAIMS		AS FILED		
Number Filed		Number Extra	Rate	Basic Fee \$ 770.00
Total Claims	20 - 20 =	0 x	\$ 18.00	0
Autonomous Claims	3 - 3 =	0 x	\$ 86.00	0
Multiple Dependent Claim(s), If Any		0 x	\$290.00	0

☐ Amendment canceling extra claims enclosed

☐ Amendment deleting multiple dependencies enclosed

☐ Fee for extra claims is not being paid at this time

NOTE: If the fee for extra claims are not paid on filing they must be paid or the claims canceled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency, 37 CFR 1.16(d).

Filing Fee Calculation \$ 770.00

6. Small Entity Statement

- ☐ Verified statement that this is a filing by a small entity under 37 CFR 1.9 and 1.27.

Filing Fee Calculation (50% of above) \$ _____

7. Fee Payment Being Made At This Time

- ☐ Not Enclosed

- ☐ No filing fee is submitted. This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.

NOTE: Where the filing is a completion in the U.S. of an international application the fee must be paid.

- ☒ Enclosed

☒ filing fee \$ 770.00

☐ recording assignment (\$40.00; 37 CFR 1.21(h)(i)) \$ _____

☐ petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached.
37 CFR 1.47 and 1.17 (h) \$ _____

Total fees enclosed \$ 770.00

8. Method of Payment of Fees

☒ check in the amount of \$ 770.00

☐ charge account No. 12-0415 in the amount of \$ _____
A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

9. Authorization to Charge Additional fees

☒ The Commissioner is hereby authorized to charge the following additional fees which may be required to Account No. 12-0415:

☒ 37 CFR 1.16 (filing fees and presentation of extra claims)

☒ 37 CFR 1.17 (application processing fees)

☐ 37 CFR 1.18 (issue fee at or before Mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

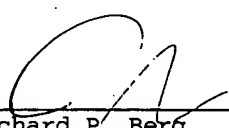
NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application...prior to paying... issue fee".

10. Instructions As To Overpayment

☒ Credit Account No. 12-0415 ☐ refund

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Richard P. Berg
Attorney
Reg. No. 28,145

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tsung-Hsing CHEN)
)
) Group: Not yet assigned
Serial No.: Not yet assigned)
) Examiner: Not yet assigned
Filed: Concurrently herewith)
) Our Ref: B-5422 621841-5
For: "METHOD AND SYSTEM FOR)
NETWORK DEVICE UPGRADE") Date: April 13, 2004

CLAIM TO PRIORITY UNDER 35 U.S.C. 119

MAIL STOP PATENT APPLICATION
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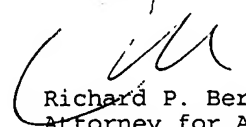
Sir:

- [X] Applicants hereby make a right of priority claim under 35 U.S.C. 119 for the benefit of the filing date(s) of the following corresponding foreign application(s):

<u>COUNTRY</u>	<u>FILING DATE</u>	<u>SERIAL NUMBER</u>
TAIWAN, R.O.C.	14 April 2003	92108521

- [] A certified copy of each of the above-noted patent applications was filed with the Parent Application No. _____.
- [] To support applicant's claim, a certified copy of the above-identified foreign patent application is enclosed herewith.
- [X] The priority document will be forwarded to the Patent Office when required or prior to issuance.

Respectfully submitted,


Richard P. Berg
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